

1  
2  
3  
4  
5  
6  
7  
8  
9  
10 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

11 JUSTEN WILLIAM DEFRANG,

12 Plaintiff,

13 v.

14 JOHN DOE MEYER PROPERTY  
15 OFFICER WASHINGTON STATE  
16 PENITENTIARY,

17 Defendant.

CASE NO. C09-5757BHS

ORDER GRANTING  
APPLICATION TO PROCEED IN  
FORMA PAUPERIS AND  
DIRECTING INSTITUTION TO  
CALCULATE, COLLECT, AND  
FORWARD PAYMENTS

18 The Court, having reviewed plaintiff's application to proceed in forma pauperis, does  
19 hereby find and ORDER.

20 (1) Plaintiff's declaration indicates he is unable to afford the court's filing fee or give  
21 security therefore. Accordingly, plaintiff's application to proceed as a pauper is **GRANTED**.

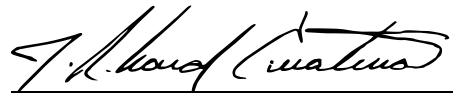
22 As set forth below, an initial partial filing fee will be collected, and plaintiff is required to  
23 make monthly payments of 20 percent of the preceding months income credited to his/her  
24 account until the full amount of the filing fee is satisfied.  
25  
26

1 (2) Pursuant to 28 U.S.C. § 1915 and plaintiff's approved application to proceed in  
2 forma pauperis, the agency having custody of the above named plaintiff is directed to calculate  
3 an initial partial filing fee equal to 20 percent of greater of -- the average monthly deposits to the  
4 prisoner's account or the average monthly balance in the prisoner's account for the 6-month  
5 period immediately preceding the date of this Order. The initial partial filing fee should be  
6 forwarded to the court clerk as soon as practicable.  
7

8 Subsequently, if the prisoner's account exceeds \$10.00, each month the agency is  
9 directed to collect and forward payments equal to 20 percent of the prisoner's preceding month's  
10 income credited to the prisoner's account. In the event that the monthly payment would reduce  
11 the prisoner's account below \$10.00, the agency should collect and forward only that amount  
12 which would reduce the prisoner's account to the \$10.00 level. Please note that this \$10.00 limit  
13 does not apply to the initial partial filing fee described above. Finally, the monthly payments  
14 should be collected and forwarded to the court until the entire filing fee (\$350.00) for this matter  
15 has been paid.  
16

17 (3) The Clerk is directed to send plaintiff a copy of this Order and the General Order,  
18 and a copy of this Order along with a copy of plaintiff's Acknowledgment and Authorization  
19 portion of the IFP application to the Prison Litigation Reform Act ("PLRA") contact person, the  
20 inmate account manager at the Washington Department of Corrections.  
21

22 DATED this 23<sup>rd</sup> day of December, 2009.

23  
24 

25 J. Richard Creatura  
26 United States Magistrate Judge